

**REMARKS**

This application has been reconsidered carefully in light of the Office Action dated as mailed on 27 March 2008. A careful reconsideration of the application by the Examiner in light of the foregoing amendments and the following remarks is respectfully requested.

A check in the amount of the necessary claim fee for two additional independent claims (5 total) is enclosed. If it is determined that a further fee is properly due as a result of this communication, the Commissioner is hereby authorized to charge payment of such fees or credit any overpayment, associated with this communication, to Deposit Account 19-3550.

**Amendment to the Claims**

Claims 1 and 13 have been amended to positively recite the inflator device wall. Claim 1 has been further amended to include limitations of dependent Claim 2 (now canceled). Claim 3 has been amended to depend from Claim 1 instead of canceled Claim 2. Claim 13 has been amended to recite that the initiator retainer element and the connector socket are on opposite sides of the wall.

Claims 11 and 15 have been amended into independent form.

Claim 21 has been amended to clarify that the retaining arms extend from the initiator retainer element or the connector socket.

No new matter has been added.

**Request to Withdraw the Finality of the Office Action**

The finality of the Office Action is improper and should be withdrawn. The Office Action is the first Office Action after Applicant's Request for Continued Examination (RCE) that entered the Amendment After Final Rejection filed

19 October 2007. In the Advisory Action mailed 11 January 2008, Examiner Chambers said that the Amendment After Final Rejection would not be entered because it required new consideration and/or search.

MPEP 706.07(b) states that it is not proper to make final a first Office Action after an RCE where material presented after final was denied entry because new issues were raised that required further consideration and/or search.

As the Advisory Action indicates that the Amendment After Final dated 19 October 2007 was not entered because it required further search and/or consideration, the finality of this Office action is improper and is to be withdrawn pursuant to MPEP 706.07(b).

### **Claim Rejections - 35 U.S.C. §102**

The rejection of claims 1-4, 8-10, 13, 14, 18 and 21 under 35 U.S.C. §102(b) as anticipated by Shirk et al., U.S. Patent 6,056,314, is respectfully traversed.

The Office Action states on page 4 that Applicant's prior arguments that the Shirk et al. Patent does not disclose a wall between the retainer and connector device is not persuasive because Applicant does not positively recite a wall. Applicant has amended independent Claims 1 and 13 to positively recite the wall. Regarding independent Claim 21, Applicant again points out that the Examiner is mistaken, as Claim 21 does positively recite a "wall" through the recited adapter plate.

Applicant's invention of amended Claim 1 requires that the initiator retainer element is disposed on a **first side** of a wall of an inflator device and the connector socket is disposed on a **second side** of the wall opposite the first side. Unlike Applicant's claimed invention, the retainer 122 is on the same side of the wall 40/42 as the connector socket 62. As the Shirk et al. Patent does not teach or suggest an initiator retainer element on an opposite side of a wall from a connector socket, as

in Applicant's claimed invention, the Shirk et al. Patent does not anticipate Applicant's invention of independent Claim 1.

The Office Action notes element numbers 70 and 72 on page 4 (and not in the actual rejection of the claims). Element 70 is a groove for the retainer 122 and element 72 is a groove for a connector, but both of these grooves are in the fourth portion 62 which the Examiner has already alleged as Applicant's recited connector socket. The Office Action states that the retainer 122 would be on one side of this "wall" and a connector device (not shown) would be on the other side of the wall. Applicant notes that a connector device would be understood by the skilled artisan to be different than the recited connector socket.

Applicant has included limitations of Claim 2 into Claim 1, and Claim 1 now recites that the initiator retainer element and the connector socket are snap-locked together through the opening in the inflator device. The Office Action already has identified the snap-lock connection of the retainer 122 and the socket 62 by the axial opening formed by groove 70. The alleged snap-lock connection of the Shirk et al. Patent thus occurs on one side of the alleged wall between elements 70 and 72, and not through an opening therethrough as in Applicant's claimed invention.

Independent Claim 13 requires the initiator retainer element to be disposed on an opposite side of the inflator device wall from the connector socket. Also, the retaining arms of the initiator retainer element extend through a wall opening and a connector socket opening to snap-lock to a surface of the connector socket and connect the initiator assembly to the inflator device wall. Again, the retainer 122 of the Shirk et al. Patent is disposed on the same side of the wall 40 as the connector socket 62. The retainer 122 does not have any retainer arm that extends through any wall opening of the inflator device from an opposite side of a wall from

the connector socket and snap-locks to the connector socket 62. Therefore, the Shirk et al. Patent does not anticipate Applicant's invention of independent Claim 13.

Regarding the alleged wall between elements 70 and 72, the Office Action identifies the recited latch tabs that snap lock to the connector socket as tabs 132 in the Shirk et al. Patent. The alleged snap-lock connection of the Shirk et al. Patent thus occurs on one side of the alleged wall between elements 70 and 72, and not through any opening in the alleged wall between elements 70 and 72.

Despite several requests for additional detail on the rejection of Claim 21, Applicant still does have details on why the rejection of Claim 21 is continually maintained. On page 4, the Office Action recognizes that the independent claims include a wall between the retainer and connector, yet in rejecting Claim 21, the Office Action merely, and insufficiently, states that the Shirk et al. Patent includes "an adapter plate 42 with an opening in which the connector and retainer are located upon assembly." As previously pointed out, this statement, particularly the phrase "in which the connector and retainer are located," clearly falls short of the actual limitations recited in Claim 21.

Independent Claim 21 requires that the initiator retainer element is **disposed on a first side of an adapter plate and the connector socket is disposed on a second side of the adapter plate opposite the first side.** Unlike Applicant's claimed invention, in the Shirk et al. Patent the retainer 122 is on the same side of the cover plate 40 (element 42 is the side wall of the cover 40) as the connector socket 62. As the Shirk et al. Patent does not teach or suggest an initiator retainer element on an opposite side of an adapter plate from a connector socket, as in Applicant's claimed invention, the Shirk et al. Patent does not anticipate Applicant's invention of independent Claim 21.

Furthermore, Claim 21 requires at least two retaining arms of the initiator retainer element or the connector socket that extend through an adapter plate opening, and where latch tabs of the retaining arms are snap-locked to a surface of one of the initiator retainer element and the connector socket to connect the initiator retainer element, the adapter plate, and the connector socket together. Again, the retainer 122 of the Shirk et al. Patent is disposed on the same side of the cover plate 40 as the connector socket 62. The retainer 122 does not have any retainer arm that extends through any plate opening and snap-locks to the connector socket 62. As the Shirk et al. Patent does not teach or suggest initiator retainer element retaining arms that extend through a plate opening to snap-lock to a surface of one of an initiator retainer element and a connector socket to connect the initiator retainer element, the adapter plate, and the connector socket together, as in Applicant's claimed invention, the Shirk et al. Patent does not anticipate Applicant's invention of independent Claim 21.

Claims 3-4, 8-10, 14 and 18 depend from Claims 1 and 13, respectively, and are allowable for at least the same reasons discussed above.

Claim 3 recites at least two retaining arms adapted to extend through an opening in an inflator device. Claim 3 is patentable over the Shirk et al. Patent for reasons similar to those discussed above for claim 13.

### **Claim Rejections - 35 U.S.C. §103**

The rejection of Claims 12 and 20 under 35 U.S.C. §103(a) as being unpatentable over Shirk et al., U.S. Patent 6,056,314, is respectfully traversed. Claims 12 and 20 depend from Claims 1 and 13, respectively, and are thus patentable for at least the same reasons discussed above for Claims 1 and 13.

The Office Action states it would have been obvious to form the retainer of the Shirk et al. Patent from plastic. However as previously noted, the retainer is specifically disclosed as being formed of metal to engage the retainer wiper arms 134 with the terminals 112 and 114 to complete an electrical circuit between the terminals through the metal of the retainer (Col. 4, lines 56-64). The metal retainer serves a dedicated purpose that plastic materials would not be suited for. The Shirk et al. Patent **teaches away** from forming the retainer from plastic.

For at least these additional reasons, Applicant's invention of Claims 12 and 20 would not have been obvious over the Shirk et al. Patent.

The Office Action provides no counter arguments to the above previously presented remarks.

#### **Allowable Subject Matter**

Applicant thanks the Examiner for his efforts in identifying Claims 5-7, 11, 15-17, 19 and 22-28 contain allowable subject matter. Claims 11 and 15 have been amended into independent form including limitations of the base and intervening claims.

Applicant believes that, in view of the above remarks, all claims are in condition for allowance.

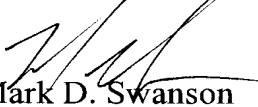
#### **Conclusion**

Applicant intends to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicant has not resolved in this response, the undersigned attorney requests an additional telephone interview with the Examiner.

Serial No.: 10/733,060

Applicant sincerely believes that this Patent Application is now in condition for allowance and, thus, respectfully requests early allowance.

Respectfully submitted,



Mark D. Swanson

Registration No. 48,498

Pauley Petersen & Erickson  
2800 West Higgins Road; Suite 365  
Hoffman Estates, Illinois 60169  
TEL (847) 490-1400  
FAX (847) 490-1403